

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PAUL HAMILTON,

Plaintiff,

Civil Action No.
9:04-CV-1282 (FJS/DEP)

v.

WARREN BARKLEY, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

[last known address]
PAUL HAMILTON, pro se
Rome, New York

FOR DEFENDANTS:

OFFICE OF NYS ATTORNEY GENERAL ED THOMPSON, ESQ.
615 Erie Boulevard West
Suite 102
Syracuse, New York 13204-2455

FREDERICK J. SCULLIN, JR., SENIOR D.J.:

ORDER

Presently before the Court is Magistrate Judge David E. Peebles' October 16, 2006 Report-Recommendation in which he recommends the above action be dismissed. Magistrate Judge Peebles' Report-Recommendation was mailed to plaintiff's last known address, but was returned to the Clerk's office marked:

RETURN TO SENDER - RELEASED. Rule 41.2(b) of the Local Rules of Practice for the Northern District of New York states that failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of any pending action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, it is hereby

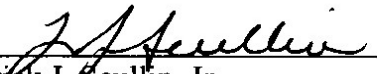
ORDERED, that the Report-Recommendation filed by Magistrate Judge David E. Peebles on October 16, 2006 is, for the reasons stated therein, **ACCEPTED** in its entirety; and it is further

ORDERED, that this action is **DISMISSED** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, based upon plaintiff's failure to prosecute and Local Rule 10.1(b), failure to notify the Court of a change of address, and it is further

ORDERED, that the Clerk of the Court enter judgment in favor of the Defendants and against the Plaintiff and **CLOSE** this case.

IT IS SO ORDERED.

Dated: November 15, 2006
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Court Judge